

1 ANDREW HUGHES  
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6 **UNITED STATES DISTRICT COURT**  
7 **EASTERN DISTRICT OF WASHINGTON**

8 MICHAEL SCOTT BRUMBACK,  
an individual, et al.,  
9  
Plaintiffs,  
10

11 v.

12 ROBERT W. FERGUSON, in his  
official capacity as Washington  
State Attorney General, et al.,  
13  
Defendants.  
14

NO. 1:22-cv-03093

NOTICE OF REMOVAL

15 TO: MICHAEL SCOTT BRUMBACK and GIMME GUNS, LLC.,  
Plaintiffs;

16 AND TO: SIMON PETER SERRANO, Plaintiffs' Attorney;

17 AND TO: CLERK OF THE ABOVE-ENTITLED COURT.

18 Pursuant to 28 U.S.C. §§ 1331, 1441, and 1443, without waiving any  
19 procedural or substantive defenses except as provided by operation of law,  
20 Defendants Robert W. Ferguson, in his official capacity as Washington State  
21 Attorney General, and John R. Batiste, in his official capacity as Chief of the  
22 Washington State Patrol, hereby remove Plaintiffs' lawsuit filed on July 14,

1 2022 in the Superior Court for Yakima County, State of Washington, under Cause  
2 No. 22-2-01446-39, to the United States District Court for the Eastern District of  
3 Washington. In support of this removal, Defendants provide the following short,  
4 plain statement of the grounds for removal:

5 **A. Plaintiffs' Claims Arise Under the Constitution of the United States**

6 1. Plaintiffs' complaint raises a federal question, namely whether a  
7 Washington State statute conflicts with the Second Amendment of the United  
8 States Constitution. Removal is therefore appropriate under 28 U.S.C. § 1441(a).

9 **B. Defendants Robert W. Ferguson and John R. Batiste Have Satisfied**  
10 **the Procedural Requirements for Removal**

11 1. This notice is timely. Plaintiffs filed their Complaint on July 14,  
12 2022, and Defendants Ferguson and Batiste have filed this Notice within 30 days.  
13 *See* 28 U.S.C. § 1446(b)(1) ("The notice of removal of a civil action or  
14 proceeding shall be filed within 30 days after the receipt by the defendant,  
15 through service or otherwise, of a copy of the initial pleading setting forth the  
16 claim for relief upon which such action or proceeding is based").

17 2. As far as undersigned counsel are aware, and as of the filing of this  
18 Notice of Removal, Plaintiffs have not served any Defendants aside from  
19 Defendants Ferguson and Batiste. Accordingly, "all defendants who have been  
20 properly joined and served ... join in ... the removal of the action." 28 U.S.C.  
21 § 1446(b)(2)(A).  
22

1           3.     This Court has personal jurisdiction over all Plaintiffs and  
2 Defendants.

3           4.     Further, in compliance with 28 U.S.C. § 1446, the Defendants  
4 Ferguson and Batiste have attached as an appendix a true and complete copy of  
5 all process, pleadings, and orders served upon Defendants Ferguson and Batiste  
6 in Yakima County Superior Court Cause No. 22-2-01446-39. Moreover, a copy  
7 of this notice, without the attached appendix, will be filed with the Yakima  
8 County Superior Court and served on all adverse parties.

9           DATED this 21st day of July 2022.

10                                 ROBERT W. FERGUSON  
11                                 Attorney General

12                                 s/ Andrew Hughes

13                                 R. JULY SIMPSON, WSBA #45869  
14                                 WILLIAM MCGINTY, WSBA #41868  
15                                 ANDREW HUGHES, WSBA #49515  
16                                 BRIAN HUNT ROWE, WSBA #56817  
17                                 Assistant Attorneys General  
18                                 JEFFREY T. EVEN, WSBA #20367  
19                                 Deputy Solicitor General  
20                                 KRISTIN BENESKI, WSBA #45478  
21                                 First Assistant Attorney General  
22                                 Complex Litigation Division  
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*Attorneys for Defendants*  
*Robert W. Ferguson and John R. Batiste*

**PROOF OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice. I have mailed by Federal Express Overnight Delivery the document to the following non-CM/ECF participants:

Simon Peter Serrano  
Silent Majority Foundation  
5238 Outlet Drive  
Pasco, WA 99301  
pete@silentmajorityfoundation.org  
*Counsel for Plaintiffs*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 21st day of July 2022 at Tumwater, Washington.

*s/ Andrew Hughes*

ANDREW HUGHES, WSBA #49515  
Assistant Attorney General